

BELL, McANDREWS & HILTACHK, LLP

ATTORNEYS AND COUNSELORS AT LAW

455 CAPITOL MALL, SUITE 801

SACRAMENTO, CALIFORNIA 95814

(916) 442-7757

FAX (916) 442-7759

CHARLES H. BELL, JR.
COLLEEN C. McANDREWS
THOMAS W. HILTACHK
BRIAN T. HILBRETH
JIMMIE E. JOHNSON
ASHLEE N. TITUS

PAUL GOUGH
OF COUNSEL

1321 SEVENTH STREET, SUITE 205
SANTA MONICA, CA 90401
(310) 452-1408
FAX (310) 260-2666
www.bmhlaw.com

September 26, 2008

VIA FEDERAL EXPRESS

MUR # 6109

Thomasenia Duncan, Esq.
General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RE: Complaint Against Bill Durston

Dear Ms. Duncan:

The Lungren for Congress campaign hereby brings this complaint pursuant to 2 U.S.C. § 437g(a)(1) against for Bill Durston, a candidate for the 3rd Congressional District of California, and his principal campaign committee, Durston for Congress Committee. The Durston for Congress Committee is located at 5429 Madison Avenue, Sacramento, California 95841.

Durston and his campaign committee, Durston for Congress have violated the Federal Election Commission ("Commission") disclaimer requirements for television communications. Specifically, Durston's campaign committee is currently airing two advertisements that do not include a written statement that Durston approves the advertisements. The two advertisements, which can be found at <http://www.youtube.com/watch?v=sWqkIVX1G7g> and <http://www.youtube.com/watch?v=pekqOixoiw0>, contain the written "Paid for by Durston for Congress" disclaimer; however, neither ad includes the written approval statement required on all television communications paid for by a candidate's campaign committee. This is a clear violation of 11 C.F.R. § 110.11(c)(3)(iii). Durston's advertisements also do not contain the requisite disclaimer when advertisements, like the ones at issue here, are paid for by the candidate's campaign committee under section 11 C.F.R. s 110.11(b)(1).

The purpose of this requirement is to ensure that federal candidates demonstrate their full support for the content of their advertising—even when, as in this instance, the content is blatantly false. Durston falsely claims that Congressman Lungren's trip to

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Complaint Against Bill Durston to
Thomasenia Duncan, Esq.
General Counsel
Federal Election Commission
September 26, 2008
Page 2

Hawaii was paid for by special interests and accuses him of violating House Ethics Rules. In fact, weeks prior to embarking on the trip, Lungren sought the advice and counsel of the Committee on Standards of Official Conduct (House Ethics Committee) to use his campaign funds to pay for the trip as the trip served both a bona fide campaign purpose and official purpose.

This clearly demonstrates Durston's disregard for Commission regulations, as well as the truthfulness of his campaign ads.

For these reasons, we respectfully request that the Commission must conduct an immediate investigation into the violations outlined above and impose the maximum penalty under law.

The foregoing is correct and accurate to the best of my knowledge, information and belief.

Respectfully submitted,



Brian T. Hildreth

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